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November 3, 2008

DECISION AND ORDER  
OFFICE OF HEARINGS AND APPEALS

Hearing Officer Decision

Name of Case: Personnel Security Hearing

Date of Filing: May 13, 2008

Case Number: TSO-0628

This Decision concerns the eligibility of XXXXXXXXXXXX (the individual) to hold an access authorization (or security clearance) under the regulations set forth at 10 C.F.R. Part 710, entitled "Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material." In this Decision, I will consider whether, on the basis of the testimony and other evidence in the record of this proceeding, the individual's access authorization should be restored. As discussed below, after carefully considering the record before me in light of the relevant regulations, I have determined that the individual's access authorization should be restored.

**I. Background**

The individual is an employee of a contractor at a DOE facility. On September 27, 2007, a representative of the Office of Personnel Management interviewed the individual regarding an application for a higher level of access authorization. During the interview, the individual informed the investigator that she had falsified a Questionnaire for National Security Positions (QNSP) in November 1995: she stated on the form that she had never used any illegal drugs when, in fact, she had used marijuana, LSD and mushrooms from 1991 to 1992, while in high school. *See* Exhibit 10 at 83-84. Due to the security concern raised by this admission, the LSO conducted a Personnel Security Interview (PSI) with the individual on February 5, 2008. *See* Exhibit 9. Because the security concern remained unresolved after the PSI, the LSO determined that the individual's misrepresentation in 1995 constituted derogatory information that created a substantial doubt about her eligibility for an access authorization, and that the doubt could not be resolved in a manner favorable to her. Accordingly, the LSO proceeded to obtain authority to initiate an administrative review proceeding.

The administrative review proceeding began with the issuance of a Notification Letter to the individual. *See* 10 C.F.R. § 710.21. That letter informed the individual that information in the possession of the DOE created a substantial doubt concerning her eligibility for access authorization. The Notification Letter included a statement of that derogatory information and informed the individual that she was entitled to a hearing before a Hearing Officer in order to resolve the substantial doubt regarding her eligibility for access authorization. The individual

requested a hearing, and the LSO forwarded the individual's request to the Office of Hearings and Appeals (OHA). The Director of OHA appointed me as the Hearing Officer in this matter.

At the hearing convened pursuant to 10 C.F.R. § 710.25(e) and (g), I took testimony from the individual, her husband, three long-time friends, her first- and second-level supervisors, and the DOE personnel security specialist who conducted the PSI. The DOE Counsel submitted ten exhibits prior to the hearing and the individual submitted three letters of recommendation at the hearing.

## **II. The Notification Letter and the Security Concern at Issue**

In the Notification Letter, the LSO cites two criteria as the bases for suspending the individual's access authorization. It first invoked Criterion F, relying on the individual's falsification of her 1995 QNSP as derogatory information that raised a concern regarding her eligibility to hold an access authorization.<sup>1</sup> The LSO also invoked Criterion L when it suspended her access authorization. The derogatory information that raised the LSO's concerns under this criterion relates to the individual's concealment of important information from the LSO while she was holding an access authorization.<sup>2</sup> Exhibit 1 (Statement of Charges). The LSO obtained the derogatory information through admissions the individual made during a February 5, 2008, PSI. *Id.*

The Notification Letter specifically alleged the following: (1) on November 19, 1995, the individual signed a QNSP, certifying that she had not illegally used any controlled substance since the age of 16; (2) from February 1996 to February 1999, the individual held an access authorization, but did not disclose during that time that she had ever illegally used any controlled substance since the age of 16; and (3) on February 5, 2008, she disclosed during a PSI that she had in fact used marijuana, LSD, and mushrooms from 1991 to 1992. *Id.* According to the Notification Letter, the individual offered the following explanations during the PSI for withholding her illegal drug use from the LSO: she thought that if she admitted it, she might not be granted her access authorization; furthermore, her admission of drug use would appear in a formal record, which might limit her future options. *Id.*

I find that the information set forth above constitutes derogatory information that raises questions under Criteria F and L. The security concern associated with Criteria F and L is that "[c]onduct involving questionable judgment, lack of candor, dishonesty, or unwilling to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness and ability to

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<sup>1</sup> Criterion F relates, in relevant part, to information that a person "[d]eliberately misrepresented, falsified, or omitted significant information from a" QNSP. 10 C.F.R. § 710.8(f).

<sup>2</sup> Criterion L relates, in relevant part, to information that a person has "engaged in any unusual conduct or is subject to any circumstances which tend to show that the individual is not honest, reliable, or trustworthy; or which furnishes reason to believe that the individual may be subject to pressure, coercion, exploitation, or undue duress which may cause the individual to act contrary to the best interests of national security . . ." 10 C.F.R. § 710.8(l).

protect classified information. Of special interest is any failure to provide truthful and candid answers during the security clearance process . . . .” Guideline E of the *Revised Adjudicative Guidelines for Determining Eligibility for Access to Classified Information* issued on December 29, 2005, by the Assistant to the President for National Security Affairs, The White House (Adjudicative Guidelines). For her part, the individual does not dispute any of the facts set forth in the Notification Letter, nor the security concern raised by those facts.

### **III. Analysis**

I have reviewed and carefully considered the evidence in the record. I have considered the evidence that raises a concern about the individual’s eligibility to hold a DOE access authorization, as well as the evidence that mitigates that concern. I conclude, based on the evidence before me and for the reasons explained below, that the security concern in this case has been resolved.

#### **A. Regulatory Standard**

A hearing under Part 710 is held “for the purpose of affording the individual an opportunity of supporting his eligibility for access authorization,” i.e., “to have the substantial doubt regarding eligibility for access authorization resolved.” 10 C.F.R. § 710.21(b)(3), (6). Under the Part 710 regulations, the Hearing Officer is directed to make a predictive assessment as to whether granting or restoring access authorization “would not endanger the common defense and security and would be clearly consistent with the national interest.” 10 C.F.R. § 710.7(a).

It is my role as the Hearing Officer to issue a Decision that reflects my comprehensive, common-sense judgment, made after consideration of all the relevant evidence, favorable and unfavorable, as to whether the granting or continuation of a person’s access authorization will not endanger the common defense and security and is clearly consistent with the national interest. 10 C.F.R. § 710.7(a). I am instructed by the regulations to resolve any doubt as to a person’s access authorization eligibility in favor of the national security. *Id.*

“In resolving a question concerning an individual’s eligibility for access authorization,” I must consider

the nature, extent, and seriousness of the conduct; the circumstances surrounding the conduct, to include knowledgeable participation; the frequency and recency of the conduct; the age and maturity of the individual at the time of the conduct; the voluntariness of participation; the absence or presence of rehabilitation or reformation and other pertinent behavioral changes; the motivation for the conduct; the potential for pressure, coercion, exploitation, or duress; the likelihood of continuation or recurrence; and other relevant and material factors.

10 C.F.R. § 710.7(c). Considering all of the above factors, I find that the nature, extent, and seriousness of the conduct, the frequency and recency of the conduct, the individual's age and maturity at the time of the conduct, and the likelihood of recurrence are the most relevant factors in this case, with the last being the critical issue in this case.

## **B. Findings of Fact and Analysis**

It is undisputed that the individual willfully falsified a response on a QNSP she completed in 1995 at age 20. Question 22a of that form asked: "Since the age of 16 or in the last seven years, whichever is shorter, have you illegally used any controlled substance, for example, marijuana, . . . , hallucinogenics (LSD, PCP, etc.), or prescription drugs?" The individual checked the box indicating "No." Exhibit 8. The individual admitted to an OPM investigator on September 27, 2007, and later to an LSO personnel security specialist during her February 2008 PSI, that from 1991 to 1992, at the ages of 16 to 17, she had in fact smoked marijuana about 50 times, and used LSD once and hallucinogenic mushrooms once. Exhibit 10 at 83 (OPM interview); Exhibit 9 at 7-20 (PSI). There is no evidence that, in the intervening years, the individual made any attempt to inform the LSO of her illegal drug use in 1991-1992, nor that the LSO was aware of it. The remainder of the decision, therefore, will focus primarily on whether the individual has presented sufficient evidence to permit me to conclude that the risk that she will engage in conduct demonstrating lack of reliability, trustworthiness or ability to protect classified information in the future is low enough to resolve the DOE's concerns under Criteria F and L.

### **1. Testimony of the Individual**

The individual testified that she used illegal drugs during her junior year in high school, when she was 16 and 17 years old. Transcript of Hearing (Tr.) at 91-92. She stopped using illegal drugs when she got her first part-time job. Tr. at 92. At her PSI, she stated she stopped using drugs and drinking alcohol because she stopped associating with classmates who engaged in those activities. Exhibit 9 at 30. After high school, she attended junior college, where most of her fellow students, like her, lived at home. None of them had experimented with illegal drugs, and she was embarrassed that she had. Tr. at 93-94. She regretted that she had, and did not want her colleagues to know about her past. *Id.* at 94. She was not aware that any college students experimented with drugs; her acquaintances did not. *Id.* at 93.

In 1995, while still in college, the individual was hired at a DOE facility as an intern. In November of that year, she completed a QNSP. In responding to the standard question on that form regarding whether she had used any illegal drugs in the preceding seven years or since the age of 16, she indicated that she had not. At the hearing, she offered the following three-part explanation for her behavior. First, she was convinced that if she admitted her earlier drug use, she would not be granted her access authorization. Were her friends to learn that she did not receive her clearance, they would ask her why, and she would have to explain that she had used drugs in the past, which she regretted and did not want her current friends to know. *Id.* at 93-94, 110. And even though she did not believe that she needed a clearance for her internship, she did

not want her supervisor to learn about her earlier drug use; she did not want that knowledge to affect how people regarded her on the job. *Id.* at 118. Second, she did not want to admit in writing that she had used illegal drugs, because she felt that the admission might prove detrimental in the future, depending on the career path she followed. *Id.* at 94, 114. Finally, she did not understand the importance of being absolutely truthful in her responses on the QNSP form. *Id.* at 85. She further stated, “I don’t think I understood why they wanted to know whether I did drugs. I know I didn’t have a problem, so why do I have to write that down?” *Id.* at 98. She maintained that, as an intern, she was not given any warnings to be forthcoming on the form; she was merely handed the forms and told to fill them out. *Id.* at 85-86, 94. She acknowledged at the hearing that she was aware when completing the QNSP that she was required to certify the truth of her responses. *Id.* at 98. She testified that she struggled with her decision, and ultimately made the wrong one. *Id.* 95, 99. She clearly recognizes that she should have been honest 13 years ago, when she completed her QNSP. *Id.* at 101. She freely stated that the warnings on the form itself should have sufficed to induce her to give an honest response regarding her prior drug use, but “it’s hard to put myself back to 13 years ago on why that didn’t concern me enough to be truthful.” *Id.* at 99.

The individual also addressed the LSO’s concern that, while holding a clearance as an intern from February 1996 to February 1999, she had failed to inform the LSO of her earlier illegal drug use. She testified that her frame of mind at the time was such that she did not dwell on her falsification: “So why didn’t I come forward during those three years? . . . I didn’t even think about it as an option to come forward, because it was like the mistake was done, I made the mistake, it’s done now, this isn’t a career for me, this is just an internship, and so move on.” *Id.* at 86. In addition, she had no need to access classified information or special nuclear material in the course of her work at the time. When asked whether she thought about her falsification during those three years, she responded: “I really think I just forgot about it. . . . It wasn’t like having a clearance, I wasn’t accessing classified information, so I didn’t really think about it during that time, and I knew it wasn’t a career for me, so it wasn’t as if I was ever going to fill out a QNSP again.” *Id.* at 100. She also testified that she cannot recall receiving any security training, either when she was first granted an access authorization or in the form of annual refresher briefings, during those three years. *Id.* at 101. She contrasted that situation to the present, when clearance applicants are informed by colleagues and managers of the importance of being truthful and, once granted access authorization, they are reminded of that obligation through computer-based training. *Id.* at 101-02.

At the hearing, the individual also explained why she did not inform the LSO of her high-school drug use until late in 2007.<sup>3</sup> After she completed college in 1999, she worked in private industry for seven years. During that period, she assumed that she no longer held a clearance and never

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<sup>3</sup> I note that this matter was not listed as a concern in the Notification Letter issued to the individual. Nevertheless, both the individual and the DOE Counsel devoted considerable attention to this matter, and the facts elicited in testimony regarding this matter ultimately had a bearing on my decision.

thought about the clearance she had held or her falsification. *Id.* at 87-88. In April 2006, however, she returned to the same DOE facility where she had interned. *Id.* at 88. She understood that her new position was contingent upon her holding a “Q” clearance, and that her managers would request an “L-to-Q,” which she believed meant that the LSO would process her application for a Q-level clearance, granting her an L-level clearance pending the completion of the more stringent requirements of the Q-level clearance process. *Id.* According to the individual’s testimony, other workers who had undergone the same process informed her that she would be interviewed early in the process. *Id.* at 88-89. She had already determined that she would disclose her 1995 falsification at her interview, which appeared to her to be the appropriate opportunity for providing extra information not requested on the QNSP form. *Id.* at 89, 95, 103-04. In the individual’s case, however, she was not interviewed for nearly one and one-half years, after which a representative of the Office of Personnel Management met with her on September 27, 2007. In the meanwhile, the LSO granted her an “L” clearance, which did not require the interview she had been awaiting. She testified that she had never made a conscious decision to conceal her falsification from the LSO. *Id.* at 90-91. Rather, the year and one-half before her interview passed quickly, as she was busy with her work and a pregnancy, and she was expecting to be interviewed at any moment. *Id.* at 104-05, 111-12. When the interview finally took place, she voluntarily disclosed that she had falsified her 1995 QNSP. *Id.* at 97, 107. She maintains that she was well aware, as an adult applying for a clearance, of the necessity to be candid and honest in her dealings with the LSO. *Id.* at 105.

## **2. Testimony of the Individual’s Husband**

The individual’s husband testified that he has known the individual for seven years and has been married to her for three years. *Id.* at 8. He testified that his wife had explained to him her reasons for not admitting on her 1995 QNSP that she had used drugs in the past. According to the husband, the individual had stated that she had feared not being granted her clearance and, because no one had reinforced the significance of holding a clearance or the importance of honesty in the security setting, she convinced herself that the falsification was acceptable. *Id.* at 12-15. In his opinion, her past drug use was, at the time, too personal for her to divulge, particularly because she did not understand why the LSO sought such information. *Id.* at 9. As for not disclosing that information during the three years she held an access authorization, 1996-1999, the husband understood that her clearance meant little to her at the time, because she did not ever exercise it. And while she was in the private sector, she was not in a position to hold a clearance at all. *Id.* at 17. Finally, he spoke about her disclosure in 2007. He described it as a “natural thing for [her] to do,” in light of her understanding what holding a clearance means and her character as an honest and trustworthy person. *Id.* at 10. They never discussed whether she would disclose her earlier falsification, because it was “obvious that she was going to come forward about this incident.” *Id.* at 20. The fact that she did so, he testified, particularly when so much more was at stake than in 1995, shows her honesty and maturity. *Id.* at 16-17. When asked how the individual had changed in the intervening years, he stated:

I think mostly her maturity level. I think at 20, she was a little naïve, and she went . . . from a period where in high school . . . she was in a crowd that did some drug use, and then when she got into college, she was kind of out of that crowd and she was feeling ashamed, and so there is a little bit of a self-confidence issue . . .; whereas . . . over another ten-plus years, you kind of grow up . . . and understand what things in life are important; and that . . . the fact that you did drugs when you were really young is not necessarily something that is . . . a negative on your character or person; that actually . . . the fact that she lied on the previous [QNSP] was more of a dent in who she was, and that would be a reason to come forward.

*Id.* at 19-20.

### **3. Testimony of Supervisors**

The individual's second-level supervisor testified on behalf of the individual. He is the director of the project on which the individual has been working since she was rehired at the facility in 2006. He stated that he has known of her reputation as a good worker since her student intern days, but did not meet her until 2005. *Id.* at 38. He testified that she has a reputation at work for being an honest person. *Id.* In addition, he considers her extremely trustworthy. He explained that the project concerns dangerous substances and requires intensive training; the individual applied herself so assiduously that she completed her training far more quickly than usual. *Id.* at 41-42. The project director also produced three letters of recommendation from former supervisors and a co-worker, all of which attested to the individual's honesty, forthrightness and integrity. *Id.* at 43; Individual's Exhibits. He offered his personal opinion that the individual was trustworthy. *Id.* at 45. When asked if her falsification on the 1995 QNSP caused him to doubt her honesty in any way, the supervisor replied that it did not, explaining that the judgment teenagers employ "is not necessarily indicative of their behavior as an adult." *Id.* at 50. He also remarked that her failure to disclose her falsification during the period of internship when she held an access authorization did not concern him: "[I]n our world, you do the clearance thing, your get your clearance, and you move on, and frankly you don't think about it until five years later when the questionnaire comes up again. . . . [In the interim,] I wouldn't expect them to be thinking about [their responses on a QNSP]." *Id.* at 54.

The individual's immediate supervisor also testified that the individual has a reputation at work for honesty. *Id.* at 75. He stated that she has been upfront with him in all their transactions, and that he trusts her explicitly, on the basis of knowing her for the past two years. *Id.* at 75, 76, 81. A holder of access authorization himself, he believed that the interview was "the right time" to come forward with her admission that she had falsified a response on the 1995 QNSP. *Id.* at 78, 83.

#### 4. Testimony of Co-workers and Friends

Three friends, two of whom had worked with her in the course of her career and one of whom was a friend since college, also testified on behalf of the individual. Each of these witnesses attested to the individual's reputation for honesty, recounting examples from the courses of their friendships with her. *Id.* at 25, 70, 123. In addition, each provided additional evidence that corroborated various parts of the individual's testimony. The first of these witnesses testified that she had been an intern at the DOE facility at the same time as the individual and had applied for an access authorization at the same time. *Id.* at 24. She stated that when they were handed the necessary forms for applying for access authorization, they were not provided with any guidance, but rather merely instructed to complete and return them. *Id.* at 26. They were not aware of the implications of falsifying information on the forms and did not understand why the forms requested information that they did not want to share with the public. *Id.* at 26-27. She attributed their lack of awareness to their immaturity at that time. *Id.* at 27. She acknowledged that the language of the forms made it clear that honest responses were required, but the reason for honesty was not reinforced by anyone in person. *Id.* at 29. She contrasted that situation with the effort that managers and co-workers now make to explain the clearance application process and why certain information is sought. *Id.* at 30. The witness also emphasized that the individual is more mature and educated now than she was in 1995. *Id.* at 25. When asked why the LSO should trust the individual now, despite her earlier falsification, the witness stated that the fact that the individual voluntarily disclosed the truth when she could have continued to conceal it "should tell you a lot about the way she is now." *Id.* at 32-33.

A close friend of the individual's since their years in junior college also testified. She stated that the individual, while always truthful, is definitely more mature and self-confident than she was when she was 20 years old. *Id.* at 70. Although the individual had admitted to her during college that she had used illegal drugs during high school, the witness knew that the individual had been ashamed and embarrassed about her earlier drug activity, because their circle of friends at junior college had no experience with drugs. *Id.* at 70, 72. She was not aware until recently, however, that the individual had falsified a response regarding her drug use on an official form. *Id.* at 72. When asked whether that knowledge caused her to doubt the individual's honesty in any way, she responded, "Not at all," explaining that that event happened long ago and related to the individual's character during her college years, not now. *Id.* at 73

A third friend testified that she and the individual had met nine years ago, when they were working together in private industry, and have remained friends since. *Id.* at 122. She expressed her opinion that most people commit some error in high school, as the individual did, that later causes them regret and embarrassment. *Id.* at 124. In addition, the fact that she lied on her 1995 QNSP did not give the witness pause to doubt the individual's honesty, because it happened many years ago, and her years of friendship with the individual have led her to believe she is honest and trustworthy. *Id.* at 126, 129.



## **5. Hearing Officer Evaluation of Evidence**

As stated above, the individual does not challenge the accuracy of the derogatory information set forth in the Notification Letter. The factual basis for the Criterion F concern in this case is that the individual stated on her 1995 QNSP that she had not used any illegal drugs within the specified period, when in fact she had. The factual basis for the Criterion L concern is that, while holding an access authorization from February 1996 to February 1999, she did not disclose to the LSO her illegal drug use. Her falsification and concealment of her prior illegal drug use during those years clearly constitutes a legitimate security concern that may disqualify a person from access authorization under the Adjudicative Guidelines. *See* Adjudicative Guidelines, Guideline E at ¶ 16(a). Such behavior abuses the trust that underlies the access authorization program.

The common-sense impression of the individual that I formed over the course of this proceeding is that she is now a mature, straightforward, candid person. I found her testimony to be highly credible. She readily admitted that her behavior in the past was improper, and understood the security concerns that behavior raised. She made a concerted effort to set forth all the circumstances, both favorable and unfavorable, surrounding her at the time of her falsification and concealment, as well as her current circumstances. I found no incongruities between her testimony and that of her other witnesses. Finally, she expressed regret for the decisions she made that led to the behavior at issue.

As noted above, the decision of a Hearing Officer in a Part 710 case is a predictive assessment, in this case an assessment of the likelihood that the individual will engage in the future in dishonest or untrustworthy behavior similar to her past falsification and concealment of derogatory information. Although I cannot condone the individual's behavior during the years 1995 through 1999, I am convinced by the totality of the evidence set forth in this proceeding that she will not repeat this or similar behavior in the future. In reaching that conclusion, I have considered the following factors.

First, the behavior that formed the factual bases for the LSO's concerns occurred in the distant past, during a period nine to 13 years ago. *See* Adjudicative Guidelines, Guideline E at ¶ 17(c). The falsification itself was a one-time occurrence made 13 years ago, and its scope was narrow: the individual made a single, though important, false statement on the QNSP, concealing behavior that occurred years earlier: her use of illegal drugs over a one-year period in high school. *See id.*

Second, she offered a thoroughly credible explanation for her falsification and concealment of information. She carefully explained her state of mind at that time, and the testimony of several witnesses supported her explanation. She was ashamed and embarrassed that she had used illegal drugs in high school, because her junior college peers had not experimented with drugs. Tr. at 70, 72 (testimony of college friend). She was immature, and was more concerned about the possible impression her drug use might have on her peers and her employers than about the

clear impact of her dishonesty on her trustworthiness and reliability where, as in the area of access authorization, it is imperative. Coupled with youthful poor judgment, her state of mind created a set of circumstances that led her to act improperly. These circumstances clearly did not excuse her behavior, but do offer insight into her motives at the time.

Most important, the individual now acknowledges that she exercised poor judgment at that stage of her young life by concealing derogatory information from the LSO. She now understands that unwise teenage behavior does not necessarily reflect poorly upon an adult's good character and, moreover, that the access authorization program relies strongly on the honesty of clearance holders. Consistent with her maturity and understanding of the access authorization process, she came forward with her admission of falsification even though she understood that the disclosure could endanger her career: if her access authorization is denied as a result of that admission, it is her understanding that she will lose her position at the DOE facility. Tr. at 107; *see id.* at 16-17 (testimony of husband). Nevertheless, she did come forward with her disclosure. This disclosure against her compelling economic and professional interest demonstrates to me that she now clearly understands the necessity of candid communication within the security community.

The evidence presented in this proceeding convinces me that the circumstances under which the individual falsified and concealed derogatory information no longer exist and are extremely unlikely to present themselves in the future, not only because many years have passed, but also because the individual has matured socially and emotionally. She is no longer a student in junior college. Her world has expanded through graduate school, work, marriage, and parenthood. She has demonstrated, through her mature approach to addressing her earlier questionable behavior, that she has progressed well beyond a state of mind in which her concerns for her privacy (and perhaps pride) can influence her judgments and decisions. I therefore conclude that the individual has sufficiently mitigated the security concerns enumerated in the Notification Letter. *See* Adjudicative Guidelines, Guideline E at ¶ 17(c).

Although I have determined that the individual has sufficiently mitigated the security concerns that the LSO raised in its Notification Letter, I must address an additional concern of my own that came to light in the course of this proceeding. She returned to work at the DOE facility in April 2006, yet did not disclose the fact that she had falsified a portion of her 1995 QNSP until September 2007, nearly one-and-one-half years later, at the time of her background investigation interview. On its face, this behavior alone raises a concern for national security, especially because, for some portion of that period, she held an access authorization. The individual testified that she had made up her mind that she would come forward with the information when she was interviewed for her access authorization. Her immediate supervisor stated in his testimony that he believed that the interview was the appropriate time to come forward with such information. Though not an expert on security, the supervisor is himself a clearance holder, and represents the sense of the community in which she works.

I am convinced, from the testimony I heard and from my assessment of the individual's credibility and sincerity, that her delay in coming forward to reveal her 1995 falsification

represented an understandable, though not ideal, approach to resolving her dilemma, and not a willful attempt to continue concealing derogatory information from the LSO. I give considerable weight to the fact that the individual came forward without any prompting or challenge from the LSO when she disclosed the falsification in September 2007. In that setting, her disclosure demonstrated a level of maturity, honesty, and candor that she lacked when she was younger but certainly possesses at this time. Moreover, there is absolutely no evidence in the record that she is at all likely to revert to the untrustworthy behavior in which she engaged at an earlier stage of her life.

#### **IV. Conclusion**

For the reasons set forth above, I find that there is evidence that raises a substantial doubt regarding the individual's eligibility for access authorization. However, I find that the concern raised by that evidence has been more than sufficiently mitigated in this case. I therefore conclude, "after consideration of all the relevant information, favorable and unfavorable," that restoring the individual's "access authorization would not endanger the common defense and security and would be clearly consistent with the national interest." 10 C.F.R. §§ 710.7(a), 710.27(a).

William M. Schwartz  
Hearing Officer  
Office of Hearings and Appeals

Date: November 3, 2008